



Safe Fishing Alliance: Protecting Fishers from Forced Labor and Human Trafficking

What is the problem?

According to the ILO's 2017 Global Estimates on Modern Slavery, there are around 16 million victims of forced labor exploitation by private sector actors worldwide in 2016.¹ Of those 16 million, around 11%, or slightly less than 2 million, are estimated to have been exploited in the agricultural and fishing sectors. Research on incidences of forced labor and trafficking in persons (FL/TIP) in the fishing sectors of Indonesia and the Philippines has indicated that exploitative practices such as induced indebtedness, unpaid wages, lack of contracts, excessive working hours, being forced to engage in illegal activities, lack of proper safety equipment and absence of medical treatment are widespread and systemic.² Many of these issues are linked to the inherent conditions of working on fishing vessels in terms of the long working hours and physically demanding nature of fishing, as well as the isolation of being at sea for long periods of time and the cramped working and living conditions.³ Furthermore, in both countries, the lack of integrated and interconnected laws and regulations to carry out inspections at sea make it unlikely that these conditions will be appropriately reported.

Why is Forced Labor and Human Trafficking at sea so difficult to stop?

The goal to reduce FL/TIP in the fishing sectors in Indonesia and the Philippines is being seriously undermined by two principal and inter-connected factors: 1. gaps in the relevant laws between labor rights protection and marine and fishery regulation; and 2. lack of government inter-agency coordination and cooperation on the specific area of FL/TIP occurring on fishing vessels. The Safeguarding Against and Addressing Fishers' Exploitation at Sea (SAFE Seas) project, funded by the US Department of Labor, found that for both countries, labor regulations pertaining to fishing crews come from multiple ministries with greatly different mandates and capacities. Despite overlapping laws and regulations, the project found gaps where fishers across various types of vessels would not be afforded protection from labor abuses. For example, in Indonesia, both the Ministry of Transport (MoT) and Ministry of Maritime Affairs and Fisheries (MoMAF) are responsible for overseeing the recruitment of fishers, but do not have synchronized regulations which enable the central and local governments/agencies to have a joint task force, joint decision letter, or Memorandum of Understanding (MoU), with related stakeholders.

Similarly, in the Philippines, the Department of Labor and Employment passed an executive order specifically addressing fisher's rights - one which is mostly in line with the ILO Work in Fishing Convention No.188. However, its effective implementation on the ground is seriously deficient

¹ ILO, Global Estimates on Modern Slavery: Forced labour and forced marriage, International Labour Office, Geneva, 2017.

² IOM, Report on Human Trafficking, Forced Labour and Fisheries Crime in Indonesian Fishing Industry, 2016 & Verite, Research on Indicators of Forced Labor in the Supply Chain of Tuna in the Philippines, 2016.

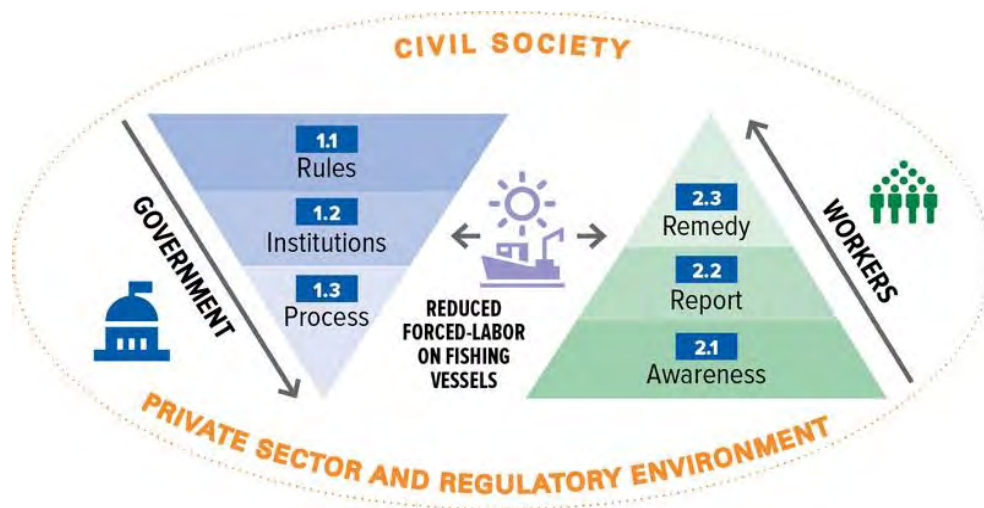
³ ILO, Caught at Sea, p.15.

due to lack of capacity of the Department of Labor and Employment in provincial cities. Interviews with key government officials revealed that central government authorities have little presence in fishing communities and fail to implement or lack the capacity to enforce regulations effectively. Meanwhile the Maritime Industry Authority (MARINA) only inspects vessels to check their sea worthiness and safety at sea and does not investigate or report labor violations.

Besides government and inter-agency capacity challenges, lack of awareness among fishers and fishing communities of what constitutes forced labor or trafficking within the fishing sector, as well as not knowing where to report abuses, pose significant challenges to addressing the problem. According to studies⁴⁵ conducted by the SAFE Seas team on awareness of FL/TIP in both countries found that fishers as well as their families regard many of the exploitative practices and working conditions in fishing to be normal and not worth reporting. Even if they do consider some treatment to be exploitative, their power and agency to act is greatly diminished by their economic dependence on their employer through debt bondage and threats against future employment. Further, the common custom of working without a contract means that fishers have no legal recourse to recoup lost wages.

What is the SAFE Seas project doing about FL/TIP on fishing vessels?

The SAFE Seas project has a two-pronged strategy to combat FL/TIP on fishing vessels in Indonesia and the Philippines. The first is to improve the enforcement and regulatory framework through establishing mechanisms and channels for improved inter-agency coordination to work collectively to protect fishers. The second is to reduce the indicators of FL/TIP on board fishing vessels by raising awareness and understanding of FL/TIP amongst government agencies, civil society and fishing communities to increase the capacity of fishers to report and seek remedies against FL/TIP.



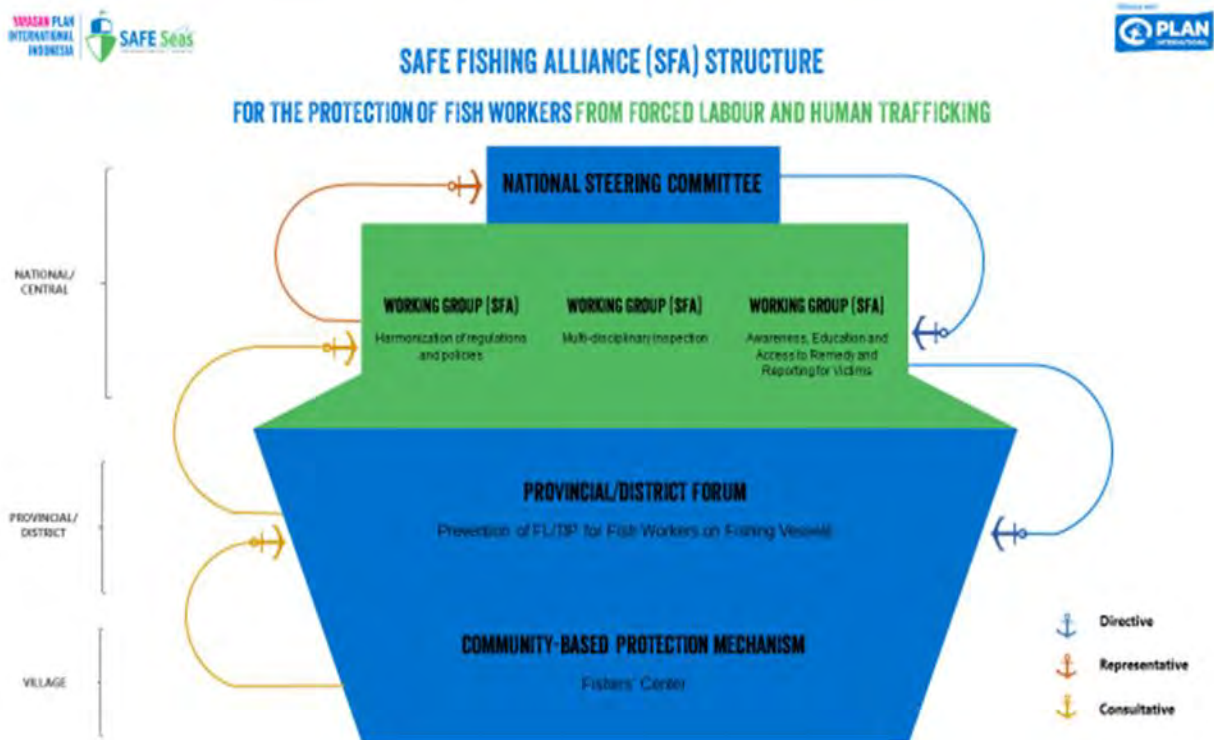
⁴Effects of Forced Labor and Trafficking in Persons on Female Relatives of Male Fish Workers (in process), Plan International, 2020.

⁵SAFE Seas Pre-Situational Analysis, Plan International 2018, p.2.

How is the project approaching these objectives?

One of the key strategic interventions of the SAFE Seas project has been facilitating the establishment in both countries of Safe Fishing Alliances (SFA), a group of coordinating bodies comprised of representatives from relevant government agencies and NGOs at both the national and provincial levels. The strategy behind the SFA is to promote a common understanding of FL/TIP and ensure collaboration and coordination between different government agencies, the private sector, civil society and fishing communities towards better enforcement against and reporting of FL/TIP on fishing vessels. Having a common understanding and goal allows for effective collaboration to resolve the problem of different mandates and overlapping regulations, and to close the gaps in the law which allows fishers to fall through. The SFA will offer recommendations to the government, private sector, civil society, fishing community, for better regulations, principles, and practices.

The diagram below illustrates the structure of the SFA and how each component relates to each other. The National Steering Committee ensures that the laws relating to fishers' labor rights and working conditions are interpreted, understood and followed appropriately by relevant government agencies. To ensure smooth and effective implementation there are three thematic working groups addressing: 1) harmonization of regulations and policies; 2) establishing multi-disciplinary joint inspections; and 3) raising awareness and improving education on FL/TIP and labor rights of fishers. The third thematic working group contributes to the community-level protection mechanisms which helps fishers directly.



The SFA is the first such forum dedicated to promoting fisher well-being that includes the active involvement of different government agencies, the private sector and civil society in both Indonesia and the Philippines. The Association has been instrumental in providing a forum for open and transparent dialogue for these stakeholders who have previously had no way to share their views, concerns or information on forced labor and trafficking on fishing vessels. The approach to establishing the SFAs has been tailored to each government's particular legal and policy framework on labor rights and marine governance. The forum therefore allows for policy synchronization and provides a pathway to apply this approach. This is done through the community-based mechanism known as Fishers Centers.

Fishers Centers

Fishers centers represent the ground-level work of the SFA. These spaces are intended as community-based safe spaces that fishers, as well as their families, can use as a one-stop shop to both learn about their rights and report any abuse or exploitation they may have experienced on board fishing vessels. The centers also act as the first point of reference for cases of labor exploitation, and work closely with government and law enforcement agencies for follow-up assistance. The hope is that they will evolve into a formal referral network which will provide legal, psychological and social services for the victims of FL/TIP.



Domestic Cases

Domestic cases of FL/TIP in Indonesia are difficult to detect due to the association of trafficking with crossing borders, as well as the Ministry of Manpower classifying domestic fishers as informal workers. This situation is further complicated by the fact that the Ministry of Maritime Affairs and Fisheries has issued legislation for domestic fishers' rights, but not for migrant fishers. It is common for Filipino fishers to work on Indonesian vessels. As migrant workers, then, these Filipino fishers have no protection against exploitation in Indonesia. As migrant fishers, the Filipino fishers would not have protection against exploitation in Indonesia. Such contradictions only serve to illustrate the need for the multi-agency approach of the SFA.

Fishers Centers Locations

Indonesia

In collaboration with Destructive Fishing Watch (DFW) SAFE Seas established two Fishers Centers in Indonesia, in Bitung in North Sulawesi and Tegal in Central Java, in September 2019

Philippines

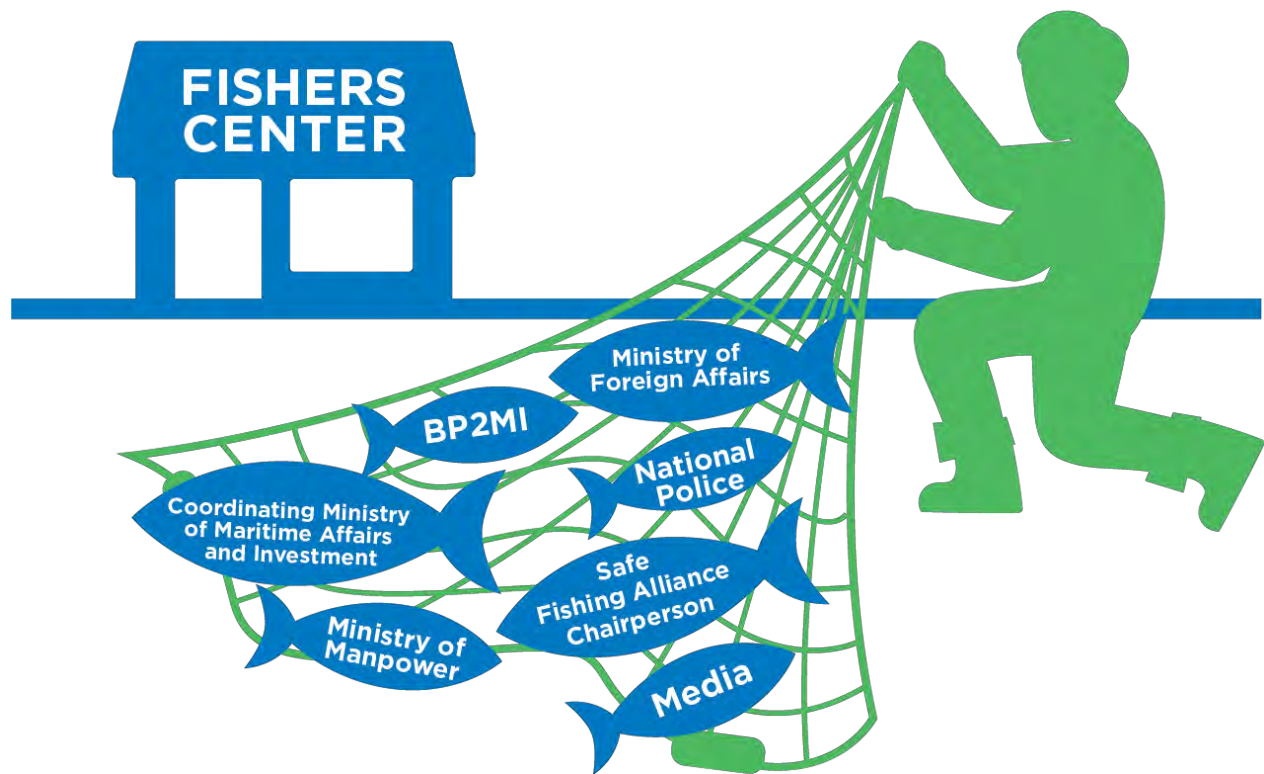
Fishers Centers are planned for General Santos in Southern Mindanao and Puerto Princesa in Palawan.

Between October 2019 and June 2020, the centers received 40 complaint reports related to violations of labor rights on fishing vessels in Indonesia, including death, accidents and injury at sea, working without a contract or insurance, and missing at sea. While Fishers Centers were successful in facilitating financial compensation for disputes related to death, injury and nonpayment of wages, these reparations do not fully satisfy the labor compensation principles of the Ministry of Manpower. This situation demonstrates that collaboration and understanding between agencies alone are

not enough to deal with the damages and suffering caused by FL/TIP, and there is a need to implement more comprehensive regulations tailored to fishers' needs that mandate multiple departments and agencies to protect fisher's rights

Overseas FL/TIP

Indonesian migrant fishers have been the victims of FL/TIP on foreign fishing vessels for many years, particularly those from China and Taiwan. As of 2018, the Indonesian Ministry of Foreign Affairs estimated that 2,477 Indonesian migrant fishers have been the victims of FL/TIP, mostly on Taiwanese, South Korean, Peruvian and Chinese flagged ships.⁶ The SFA and Fishers Centers play a critical role in resolving foreign cases of fisher abuse because they provide a dedicated channel to navigate the complexity of coordinating between foreign ministries, law enforcement, labor ministries and marine ministries to refer cases appropriately under the mandate of the best interests of the victim.



⁶ Plan International, 2018, SAFE Seas Pre-Situational Analysis, p.21.



After receiving abuse reports, the Fishers Centers refer the cases to the Coordinating Ministry of Maritime Affairs and Investment, the Ministry of Foreign Affairs, Ministry of Manpower, the National Board for the Placement and Protection of Indonesian Overseas Workers (BP2MI) and the National Police for follow up actions. The Centers share the reports with selected members of the SFA, such as the chairperson. This step helps to keep the SFA updated and facilitates communication with responsible parties in the government so that urgent action can be taken. The centers also share information with journalists from national and international news media who conduct investigations and publish articles that bring attention to fisher exploitation and abuse.

Results

Although only 13 grievance reports on overseas FL/TIP were received by Fishers Centers from January to June 2020, when staff interviewed the victims and family members, they found that there were 43 Indonesian migrant fishers who are still at sea and potential victims of trafficking.

Spotlight

Among the cases reported to the Fishers Centers were the high profile incident that took place in May, 2020¹ of Indonesian migrant fishers who were victims of FL/TIP and death on several Chinese Fishing Vessels. Media attention about these cases pressured the Government of Indonesia to take urgent action, including diplomatic pressure, to repatriate the victims and issue a moratorium on sending migrant fishers to work overseas. Recently the Fishers Centers reported that 23 Indonesian migrant fishers who had worked on two of the vessels had been repatriated back to Indonesia from Somalia via Jakarta International Airport. The Fishers Centers will continue to monitor whether the other complaints related to unpaid wages and withheld personal documents have been resolved.

Fishers Centers in the Philippines

The establishment of Fishers Centers are still under way in the Philippines. However in General Santos City, Southern Mindanao, the project has been closely working with OND Hesed, a local organization and a SAFE Seas partner in the Philippines, which has been supporting local fishers under the global Catholic program 'Apostleship of the Sea'. The SAFE Seas project has advocated for the establishment of a dedicated Fishers Center in the port of General Santos City, a source of significant revenue for the region, to support fishers. At present OND Hesed acts as the point of reference for fishers and their families to voice complaints if fishers go missing or are detained abroad.

Cross border Collaboration to Aid Fishers from General Santos, Philippines

In early June, 2020, the Fishers Center in Bitung, Indonesia received a report from OND Hesed about 34 undocumented Filipino fishers from General Santos being detained in Indonesia. The vessels had been captured by Indonesian authorities the previous month and the fishers were remanded to and detained in an immigration compound near the Bitung Fish Port. Since receiving the report, the SAFE Seas Fishers Center in Bitung has been communicating with both the Ministry of Marine Affairs and Fisheries (MMAF) and Indonesian Ministry of Foreign Affairs to facilitate the process of the fishers' release. As of September 2020, however, the Filipino fishers are still in detention.



SAFE Seas activities during COVID-19 and the New Normal

The COVID-19 Pandemic has resulted in additional Occupational Safety and Health (OSH) concerns for fishers. Grievance reports received by the Fishers Centers have indicated a lack of OSH standards on fishing vessels which has led to sickness, injury, early termination or cuts in wages for fishers. As of September 2020, there has been no data on reports regarding fishermen exposed to the Covid-19. Nevertheless, improved OSH regulation is a prerequisite for protecting against labor abuses on fishing vessels, including the danger of Covid-19. Since the end of March 2020 SAFE Seas in Indonesia has organized seven weekly online public discussions about the importance of protecting fishers during the pandemic and beyond, and to encourage calls to action among stakeholders including high level government officials, such as the Director General from MMAF, directors from key ministries, UN agencies (FAO, ILO), World Bank, INGOs, employers, fishery industry representatives, trade unions, Fishermen Associations, university professors and students, and civil society organization staff. One direct outcome from the first discussion was the issuance of a Health Protocol for Fishing Vessels that was recommended by SAFE Seas to protect fishers from COVID-19 infection. The protocol was issued by MMAF and is now at the implementation stage.

Conclusion

The SFA has proven to be an effective multi-level and multi-stakeholder mechanism for raising awareness and building consensus on the human rights and labor risks on board fishing vessels. Most importantly, the Association has emphasized stakeholders' responsibilities in addressing the exploitation of fishers. To sustain this collaboration, it must be institutionalized into formal procedures and protocols, ultimately leading to community-based referral mechanisms that have sufficient support and funding to both provide information to fishers on their rights, and establish and maintain safe, trusted spaces for fishers and their families to file complaints or advocate for better conditions.

Forced labor and trafficking on board fishing vessels is a particularly challenging, yet growing concern. It is crucial that relevant ministries with widely different mandates, expertise and capacities are brought together to collaborate for the well-being of fishers, both in domestic and international waters.

Recommended steps for establishing inter-agency coordination mechanisms tied to community-based protection of fishers

- Map out the existing policies and regulations, identify the responsible government ministry or agency, and determine their stages of development and/or implementation.
- Identify the policy gaps, decide how they can be filled by laws and regulations that already exist, and advocate for changes if additional MoUs need to be established for inter-agency collaboration.



- Create a formal ‘alliance’ which draws on and complements each agency’s specialties and capacities.
- Hold frequent forums or meetings for harmonizing their regulations and fostering a common understanding of relevant legislation
- Establish additional community-based fishers centers, both physical locations and virtual fishers centers for fish workers at sea that are tied to the relevant provincial level authorities to ensure sustainability.
- Establish a dual role for the fishers centers as a source of information on labor rights and FL/TIP and as a safe channel for making complaints.
- Ensure fishers centers are also equipped to handle complaints from fishers working on foreign vessels.

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